

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED

MAY 01 2003

RONALD A. GUZMAN, JUDGE
UNITED STATES DISTRICT COURT

iWORK SOFTWARE, LLC, a North
Carolina Limited Liability Company

Plaintiff,

v.

CORPORATE EXPRESS, INC., a Colorado
Corporation, HERMAN MILLER, INC., a
Michigan corporation, W.W. GRAINGER,
INC., an Illinois corporation, MOLEX
INCORPORATED, a Delaware corporation,
and BOISE CASCADE CORPORATION, a
Delaware corporation,

Defendants.

Civil Action No. 02 C 6355

The Honorable Judge Ronald Guzman

Magistrate Judge Mason

DOCKETED

MAY 05 2003

WEBMETHODS, INC.'S SUBMISSION OF INTERVENTION PLEADING

webMethods, Inc. ("webMethods") pursuant to the briefing schedule entered on April 24, 2003, hereby attaches (as Exhibit A) its proposed pleading as required by Fed. R. Civ. P. 24, which webMethods would file if permitted to intervene.

webMethods submits that its proposed pleading is virtually identical to the answers, affirmative defenses, and counterclaims that have already been plead in this action by the named Defendants, Corporate Express, Inc., Herman Miller, Inc., W.W. Grainger, Inc., Molex Incorporated, and Boise Cascade Corporation ("Customer Defendants").

On February 25, 2003, webMethods filed with this Court a motion for reassignment and consolidation (of No. 03-CV-838 assigned to the Hon. Matthew F. Kennelly) with this action, a related case (02-CV-6355), or in the alternative, for leave to intervene in the related case. The Memorandum in support of said motion is incorporated herein and attached hereto as Exhibit B.

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Since the filing of webMethods' motion, Judge Kennelly issued an order on April 21, 2003 granting iWork's motion to dismiss webMethods' Complaint in 03-CV-838. webMethods filed a motion for reconsideration of that ruling on April 25, 2003 based on contractual obligations to indemnify the Customer Defendants and iWorks' claims charts (filed pursuant to protective order) that identify webMethods software as an infringing product. Judge Kennelly is expected to rule on webMethods' motion for reconsideration on May 21, 2003.¹

WHEREFORE, webMethods requests that the court accept the attached proposed pleading in support of its motion to intervene to become a party defendant to this case.

May 1, 2003

Respectfully submitted,



Richard A. Schnurr
HOWREY SIMON ARNOLD & WHITE LLP
321 North Clark Street, Suite 3400
Chicago, IL 60610
312.595.1239

Joseph P. Lavelle
Jennifer M. Lee
HOWREY SIMON ARNOLD & WHITE LLP
1299 Pennsylvania Avenue NW
Washington, DC 20004
202.783.0800

Attorneys for webMethods, Inc.

¹ While Judge Kennelly's April 21, 2003 ruling has currently mooted webMethods motion to reassign, if the Motion for Reconsideration is granted, webMethods will move to reassign Case '838 with this related case. Alternatively, if the Motion for Reconsideration is not granted, webMethods will amend the attached proposed pleading as appropriate.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing WEBMETHODS, INC.'S SUBMISSION OF INTERVENTION PLEADING was served this 1st day of May 2003 on the following by hand delivery

John F. Flannery
Timothy P. Maloney
Rudy Kratz
FITCH, EVEN, TABIN & FLANNERY
120 South LaSalle, Suite 1600
Chicago, Illinois 60603-3406
Attorneys for iWork Software, LLC

Paul G. Juettner
GREER, BURNS & CRAIN, LTD.
300 South Wacker Drive, Suite 2500
Chicago, Illinois 60606
Attorneys for Corporate Express, Inc.

Harold Johnson
Charles McMahon
BRINKS HOFER GILSON LIONE
455 North Cityfront Plaza Drive, Suite 3600
Chicago, Illinois 60611
Counsel for Herman Miller, Inc.

Mark R. Galis
GREENBERG TRAURIG, PC
77 West Wacker Drive, Suite 2500
Chicago, Illinois 60601
Attorneys for W.W. Grainger, Inc.

John W. Kozak
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
Chicago, Illinois 60601
Attorneys for Molex Inc.

Eric Bandfonbrener
PERKINS COIE LLC
35 West Wacker Drive, Suite 3750
Chicago, Illinois 60601
Counsel for Boise Cascade Corporation



Richard A. Schnurr

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